

**REMARKS**

Claims 2-19 and 21 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

In a phone conference with the Examiner in 09/11/06, the Examiner pointed out that the section entitled "Continued Examination Under 37 CFR 1.114" was erroneously placed. In fact, this section should have stated that the present application is removed from Appeal and a new grounds of rejection is put forth. The Examiner stated that he would issue an Examiner's Amendment correcting the aforementioned.

**Double Patenting**

Claims 2-19 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 19 and 24 of U.S. Patent Publication No. 2003/0100302.

Applicants respectfully submit that the terminal disclaimer accompanying this response to the Office Action overcomes this rejection.

**U.S.C. 102(e)**

Claims 2-3, 5-8, 11-13, 15-17 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gentry, U.S. Pat. No. 6,453,162 (hereinafter "Gentry"). Applicant respectfully traverses this rejection. As per Applicant's conversation with the Examiner on 09/11/2006, the Applicant's arguments against this rejection are found in the 01/25/2006 filed Appeal Brief and the 07/28/2005 filed response.

**U.S.C. 103**

Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gentry in view of Torabi (U.S. Patent No. 6,754,482, hereinafter Torabi). Claims 9-10 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gentry in view of well known prior art. Applicant respectfully traverses this rejection. As per Applicant's conversation with the Examiner on 09/11/2006, the Applicant's arguments against this rejection are found in the 01/25/2006 filed Appeal Brief and the 07/28/2005 filed response.

**Prior Art**

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

**Summary**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117,  
Motorola, Inc.

Respectfully submitted,

DATE: 09/11-2006

SEND CORRESPONDENCE TO:

Motorola, Inc.

Law Department

1303 East Algonquin Road

IL01/3<sup>rd</sup> Floor

Schaumburg, IL 60196

Customer Number: 23330

By: /Kevin D. Wills/

Kevin D. Wills

Attorney of Record

Reg. No.: 43,993

Telephone: 480-732-5364

Fax No.: 480-732-2402

Email: Kevin.Wills@motorola.com

Attachment